FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Contempt Petition no.l6 of 2006

| Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directions and Registrar's Order | Court or Judge's Order |
|---|---|

Mr A.H.Palekar for petitioner
Mr.S.S.Deshmukh for respondents

**CORAM; A.M.KHANWILKAR J.**

**DATED 13.6.2006**

**P.C.**

. Heard learned counsel for the parties. The grievance made in this petition is of wilfull breach of the order of injunction granted by the City Civil Court on 7.l2.2004. I find substance in the argument canvassed on behalf of the respondent that the petition as presented does not warrant any interference. No specific instances have been set out with regard to the creation of third party interests in the suit property or for that matter regarding unlawful construction activity undertaken by

the respondents. The respondent on affidavit has denied the said allegation and asserts that he is in occupation of the premises and has not created any third party interest therein. He has also specifically denied having undertaken any construction activity after the order of injunction is passed. Suffice it to observe that as the allegations in the petition are vague and the same have been denied by the respondent, it is not possible to proceed with contempt action on the basis of such vague allegations. The fact that the trial court has subsequently made the notice of motion absolute confirming the same relief till the pendency of the suit, does not take the matter any further. The fact that the respondent has violated the order and that too wilfully is blissfully vague. Hence this is not a fit case to initiate contempt action. Petition is dismissed. Notice issued to the respondent is discharged. The court expresses a word of gratitude to Mr.

Deshmukh for the able assistance given to the court as amicus curaie.